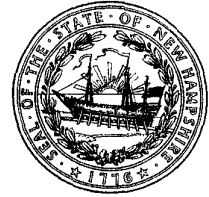




The State of New Hampshire  
**Department of Environmental Services**  
**Waste Management Council**

PO Box 95, 29 Hazen Drive, Concord, New Hampshire 03302-0095  
Appeals Clerk Telephone (603) 271-6072 - TDD Access: Relay NH 1-800-735-2964  
DES Website: [www.des.nh.gov](http://www.des.nh.gov) - Council Website: [www.des.state.nh.us/councils/](http://www.des.state.nh.us/councils/)



**STATE OF NEW HAMPSHIRE**  
**WASTE MANAGEMENT COUNCIL**

**Docket No. 05-20 WMC**

*Appeal of Dr. Rae Barnhisel*  
*In Re: Groundwater Management Permit No. 199103027-T-001*

**Decision & Order**  
**Motion to Continue**

**Background**

On November 7, 2005 the New Hampshire Department of Environmental Services, Waste Management Division ("DES") issued Groundwater Management Permit No. 199103027-T-001 to the Town of Temple ("the Applicant").

On November 22, 2005 Dr. Rae Barnhisel ("the Appellant") filed a Notice of Appeal ("the Appeal") with the NH Waste Management Council ("the Council") on her own behalf. The subject of the Appeal was the DES decision to issue Groundwater Management Permit No. 199103027-T-001. The Appeal was timely filed but it did not comply with several requirements of Env-WMC 204.02(b). Per Env-WMC 204.03(d)(1)b, in order for the Council to accept the Appeal, the Appellant was required to file a corrected Notice of Appeal with the Council on or before December 21, 2005.

On December 21, 2005 the Appellant filed a corrected Notice of Appeal with the Council.

On January 26, 2006 the Council voted to accept the Notice of Appeal, and an appeal Hearing was scheduled for March 16, 2006.

On February 23, 2006 Attorney Anthony I. Blenkinsop filed an Appearance on behalf of DES.

On March 6, 2006 Attorney Biron Bedard filed an Appearance, a Motion to Intervene, and a Motion to Continue the Appeal on behalf of the Applicant.

On March 9, 2006 the Appellant filed an Objection to the Motion to Continue.

**Findings and Conclusions**

The Council finds that per Env-WMC 204.06 and Env-WMC 204.07 the Applicant is considered a party to this appeal, and was merely required to file an Appearance. Motion to Intervene is moot.

Env-WMC 204.13 states in part that any party may request that a hearing be continued for reasonable cause and reconvened or rescheduled. The Council shall grant the request if the Council determines that reasonable cause exists and that no other party will be prejudice by the delay. The Council finds that for the reasons detailed in the Motion to Continue, reasonable cause exists to grant the motion.

**Order**

Motion to Continue is **GRANTED**. The hearing in this matter is rescheduled to Thursday, April 20, 2006 at 10:00am. in Rooms 112-114 of the offices of the Department of Environmental Services ("DES"), 29 Hazen Drive, Concord, NH.

So Ordered for the Council by: \_\_\_\_\_

Michael P. Sclafani Appeals Clerk

March 9, 2006

**COPY**